

University of IL, 473 F.3d 799, 810 (7th Cir. 2007). “Rule 55(c) requires ‘good cause’ for the judicial action, not ‘good cause’ for the defendant’s error.” *Sims v. EGA Prods.*, 475 F.3d 865, 868 (7th Cir. 2007). The Seventh Circuit Court of Appeals has repeatedly expressed a policy of favoring trial on the merits over default judgment. *Cracco v. Vitran Exp., Inc.*, 559 F.3d 625, 631 (7th Cir. 2009); *Sun*, 473 F.3d at 811 (citing *C.K.S. Eng’rs, Inc. v. White Mountain Gypsum Co.*, 726 F.2d 1202, 1205 (7th Cir. 1984)). Thus, a default should “only be employed in extreme situations, or when less drastic sanctions have proven unavailing, or when a party willfully disregards the litigation.” *Id.*

In the motion, Defendant Berco states that upon being served, it sought the assistance of counsel to investigate and to attempt to negotiate a resolution of this matter with Plaintiffs’ counsel and that the parties continue to negotiate. Defendant Berco further asserts that it is not affiliated with Defendant Schuetz and that it has meritorious defenses to the Complaint in terms of the calculations for the basis of the claimed amounts due and as to which Defendant is liable for said amounts claimed.

Given the Court’s preference for trial on the merits over default judgment and Plaintiff’s failure to respond to the motion, the Court finds it appropriate to set aside the Clerk’s Entry of Default. Accordingly, the Court grants the Motion to Vacate Default (Doc. 11). It is **ORDERED** that the Entry of Default against Defendant Berco Construction Inc. be set aside. Defendant Berco shall answer or otherwise plead within **14 days** of this Order.

IT IS SO ORDERED.

DATED: November 7, 2016

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge